

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHRISTOPHER ANTONIO STAPLES,)
)
 Petitioner,)
)
 v.) 1:12CV1263
) 1:09CR260-1
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

On May 23, 2016, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. No objections were filed within the time prescribed by § 636.

The court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the prior stay in light of Welch v. United States, 136 S. Ct. 1257 (2016), be LIFTED, that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 80) is GRANTED as to the claim raised in Petitioner's Supplement (Doc. 80) under Johnson v. United States, 135 S. Ct. 2551 (2015), and United States v. Parral-Dominguez, 794 F.3d 440, 445 (4th Cir. 2015), that the motion be DENIED otherwise, that his sentence be VACATED, and that this matter is set for resentencing on September 14, 2016 at 2:00 p.m. in Winston-Salem, North Carolina. Petitioner remains in custody, and the United States Attorney is

directed to produce Petitioner for the resentencing hearing. The Probation Office is directed to prepare a Supplement to the Presentence Investigation Report in advance of the hearing. Counsel will be appointed to represent Petitioner at the resentencing hearing.

/s/ Thomas D. Schroeder
United States District Judge

June 21, 2016